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Attorneys for Plaintiffs Justin James and Nicole James

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JUSTIN JAMES and NICOLE JAMES;

Plaintiffs,

v.

FREMONT REORGANIZING  
COMPANY, fka FREMONT  
INVESTMENT & LOAN COMPANY,  
a California corporation; BRIDGE  
CAPITAL CORPORATION, a  
California corporation; HSBC BANK  
USA, NA, a national banking  
association,

Defendants

Case No. CV-08-0397-BR

DECLARATION OF HOPE DEL  
CARLO IN SUPPORT OF  
PLAINTIFFS' MOTION TO COMPEL  
DISCOVERY FROM DEFENDANT  
FREMONT REORGANIZING  
COMPANY, fka FREMONT  
INVESTMENT & LOAN COMPANY

I, Hope Del Carlo, declare as follows:

1. I am one of the attorneys for the plaintiffs in this action. I make this Declaration in  
Page 1 - DECLARATION OF HOPE DEL CARLO IN SUPPORT OF PLAINTIFFS' MOTION  
TO COMPEL DISCOVERY FROM DEFENDANT FREMONT REORGANIZING  
COMPANY, fka FREMONT INVESTMENT & LOAN COMPANY

1 support of plaintiffs' Motion to Compel.

2 2. In November 2008, plaintiffs served defendant Fremont Reorganizing Company  
3 ("Fremont") with Plaintiff's First Request for Production of Documents, which contained among  
4 other requests the following three items:

5 Request 22. All financial statements, public filings, or other documents which  
6 evidence Fremont Investment & Loan's or its successor's ability to pay any amount  
7 awarded to the plaintiffs in this case.

8  
9 Request 23. All records in your possession that relate to any public complaints  
10 about consumer mortgage lending practices filed against any of the defendants in  
11 this case.

12  
13 Request 24. All records in your possession of any legal claims filed against  
14 Fremont Investment & Loan by consumer borrowers, whether denominated as  
15 affirmative lawsuits, counterclaims, or adversary proceedings in bankruptcy.

16 3. Defendant initially objected to the production of these documents. Defendant retained  
17 new counsel a few weeks ago, and we reopened discussions about discovery in which we  
18 revisited the prior objections Fremont had made to Requests 22, 23, and 24.

19 4. The claims against Fremont include a fraud claim for which the plaintiffs have alleged  
20 entitlement to punitive damages. Despite continued discussions, Fremont continues to object to  
21 production of documents responsive to the requests, though the documents sought are relevant to  
22 assessing punitive damages.

23 ///

24 ///

25 Page 2 - DECLARATION OF HOPE DEL CARLO IN SUPPORT OF PLAINTIFFS' MOTION  
26 TO COMPEL DISCOVERY FROM DEFENDANT FREMONT REORGANIZING  
COMPANY, fka FREMONT INVESTMENT & LOAN COMPANY

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 DATED this 30<sup>th</sup> day of November, 2009.

3 OREGON LAW CENTER

4  
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23 Of Attorneys for Plaintiffs